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Study on decolonization of the Pacific region

Note by the secretariat

Pursuant to a decision of the Permanent Forum on Indigenous Issues at its eleventh session (see E/2012/43, para. 110), Valmaine Toki, a member of the Forum, undertook a study on decolonization of the Pacific region, which is hereby submitted to the Forum at its twelfth session.

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Study on decolonization of the Pacific region[1]

I. Introduction

1. In recognition of the negative effect that colonization and the doctrine of discovery had on indigenous peoples and their communities, the Permanent Forum on Indigenous Issues held a panel discussion during its eleventh session entitled "The Doctrine of Discovery: its enduring impact on indigenous peoples and the right to redress for past conquests (articles 28 and 37 of the United Nations Declaration on the Rights of Indigenous Peoples)". There has been extensive discussion of the doctrine, its historical development and its past and present impacts, in addition to the ways in which it has affected and continues to affect indigenous peoples and the relationship between Governments and indigenous peoples. It is without question that the doctrine has had a detrimental effect on all indigenous peoples. Its implementation was used as an instrument to alienate indigenous peoples from their lands, resources and culture, a process that continues today in various forms.

2. At its eleventh session, the Permanent Forum recalled the fourth preambular paragraph of the United Nations Declaration on the Rights of Indigenous Peoples, which affirms that all doctrines, policies and practices based on or advocating superiority of peoples or individuals on the basis of national origin or racial, religious, ethnic or cultural differences are racist, scientifically false, legally invalid, morally condemnable and socially unjust. Legal and political justification for the dispossession of indigenous peoples from their lands, their disenfranchisement and the abrogation of their rights such as the doctrine of discovery, the doctrine of domination, "conquest", "discovery", *terra nullius* or the Regalian doctrine were adopted by colonizers throughout the world. While these nefarious doctrines were promoted as the authority for the acquisition of the lands and territories of indigenous peoples, there were broader assumptions implicit in the doctrines, which became the basis for the assertion of authority and control over the lives of indigenous peoples and their lands, territories and resources. Indigenous peoples were constructed as "savages", "barbarians", "backward" and "inferior and uncivilized" by the colonizers, who used such constructs to subjugate, dominate and exploit indigenous peoples and their lands, territories and resources (see E/2012/43, para. 4).

3. In view of the detrimental effects of colonization and the doctrine of discovery on indigenous peoples, together with the call by the Permanent Forum to States to repudiate such doctrines as the basis for denying the human rights of indigenous peoples, the present study provides case studies that highlight the impetus for the right to self-determination and decolonization among indigenous peoples of the Pacific. It will trace the core connections between the doctrine of discovery and the colonization process coordinated by countries, churches and trading corporations. It will also illustrate the initiatives by indigenous peoples to coordinate decolonization campaigns rooted in international human rights law.

[1] The author wishes to thank Joshua Cooper for his contribution to the present study.

II. Special Committee on Decolonization

4. In an effort to hasten the progress of decolonization, the Declaration on the Granting of Independence to Colonial Countries and Peoples was adopted by the General Assembly in its resolution 1514 (XV) on 14 December 1960. In article 1 of the Declaration, it was recognized that no peoples should be subjected to domination and exploitation and, in article 2, that all peoples had the right to self-determination and by virtue of that right they freely determined their political status and freely pursued their economic, social and cultural development. Article 5 of the Declaration provides that:

> Immediate steps shall be taken, in Trust and Non-Self-Governing Territories or all other territories which have not yet attained independence, to transfer all powers to the peoples of those territories, without any conditions or reservations, in accordance with their freely expressed will and desire, without any distinction as to race, creed or colour, in order to enable them to enjoy complete independence and freedom.

5. In 1961, the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples was created by the General Assembly with the purpose of monitoring the implementation of the Declaration. The Committee is a United Nations entity exclusively devoted to the issue of decolonization and annually reviews the list of Non-Self-Governing Territories to which the Declaration is applicable and makes recommendations as to its implementation.

6. The list of Non-Self-Governing Territories was initially prepared in 1946 (see Chapter XI of the Charter of the United Nations) and a set of criteria for determining whether a territory could be considered to be non-self-governing and placed on the list was established by the General Assembly in its resolution 1541 (XV) in 1960. The 12 criteria included whether a territory was known to be of the colonial type and whether it was geographically separate and distinct ethnically and/or culturally from the country administering it. Additional elements such as whether the territory performed its own administrative, political, juridical, economic or historical functions were also considered.

7. Once it was established that the relationship between the State and the territory was one of disadvantage or placed the territory in a position of subordination to the State, the listing criteria were met. Further criteria identified three positions of self-governance: emergence as a sovereign independent State; free association with an independent State; or integration with an independent State.

8. The list has been updated by the General Assembly following recommendations by the Special Committee. In some instances, a State that administered a dependent Territory removed it from the list unilaterally or by vote of the Assembly.

9. In 1988, in its resolution 43/46, the General Assembly considered it incumbent upon the United Nations to continue to play an active role in the process of self-determination and independence and to intensify its efforts for the widest possible dissemination of information on decolonization, with a view to the further mobilization of international public opinion in support of complete decolonization. In its resolution 43/47, the Assembly declared the period 1990-2000 the International Decade for the Eradication of Colonialism. In 1991, in its resolution 46/181, it

declared that the ultimate goal of the International Decade was the free exercise of the right of self-determination of each and every remaining Non-Self-Governing Territory. A specific plan of action was adopted to further the realization of that objective.

10. In 2000, bearing in mind the endorsement of the proposed declaration of a new decade for the eradication of colonialism by the participants in a Pacific regional seminar organized by the Special Committee to review the political, economic and social conditions in the small island Non-Self-Governing Territories, the United Nations proceeded, in its resolution 55/146, to declare the period 2001-2010 the Second International Decade for the Eradication of Colonialism.

11. In 2010, bearing in mind that the participants in the Pacific regional seminar held in Nouméa from 18 to 20 May 2010 had called for the Special Committee to propose the declaration of a new decade for the eradication of colonialism, and recalling its resolution 64/106, in which it had reconfirmed the need to take measures to eliminate colonialism by 2010, the General Assembly, in its resolution 65/119, declared the period 2011-2020 the Third International Decade for the Eradication of Colonialism.

12. In 2012, the Chair of the Special Committee, Diego Morejon-Pazmino (Ecuador), noted:

> The Third International Decade could not be a "lost decade for decolonization". The haunting spectre of colonialism needed to be confronted. The Committee must explore how to advance the process by taking into account current realities and prospects. The Third International Decade asked from the international community nothing less than steadfast support to the Non-Self-Governing Territories in establishing viable conditions of self-government on the ground, on a case-by-case basis. Territories should be empowered to exercise their will on their respective political status through an internationally recognized act of self-determination, eventually leading to their delisting by the General Assembly.[2]

13. The philosophies and principles contained in the doctrine of discovery are at the root of denial of the human rights and, specifically, the right to self-determination of indigenous peoples in the twenty-first century. In the Third International Decade, an examination through the narrative of the United Nations Declaration on the Rights of Indigenous Peoples may provide future direction for indigenous peoples pursuing the fundamental freedoms that they have historically been denied. It will be important for the Special Committee to interact with United Nations bodies dealing specifically with indigenous peoples. The Committee could interact with the Permanent Forum at its annual sessions and propose an expert workshop in the future. The Committee could also contribute to a possible study.

14. Of the 16 Non-Self-Governing Territories currently listed for active consideration by the Committee, 4 (American Samoa, Guam, New Caledonia and Tokelau) are located in the Pacific. Pacific islands not on the list but seeking consideration include French Polynesia and Hawaii. There are also independence movements in West Papua, a province in Indonesia. It is important to note that Hawaii previously featured on the list but was removed after a referendum in 1959.

[2] See www.un.org/News/Press/docs/2012/gacol3244.doc.htm.

Given that the United Nations criteria for removal from the list were not fully met, however, the Kanaka Maoli, or native Hawaiians, contest that removal.

III. Relevant articles of the United Nations Declaration on the Rights of Indigenous Peoples

15. Article 3 of the United Nations Declaration on the Rights of Indigenous Peoples provides that indigenous peoples have the right of self-determination and, by virtue of that right, they freely determine their political status and freely pursue their economic, social and cultural development. Article 4 provides that, in exercising their right to self-determination, indigenous peoples have the right to autonomy or self-government in matters relating to their internal and local affairs.

16. Article 4, driven by article 3, provides clear grounds for an application to the Special Committee for decolonization. In addition, other articles that provide contextual rights for decolonization include article 11, on the right of indigenous peoples to practise and revitalize their cultural traditions and customs, including the right to maintain, protect and develop the past, present and future manifestations of their cultures. Article 12 confirms the right of indigenous peoples to manifest, practise, develop and teach their spiritual and religious traditions, customs and ceremonies. Article 14 articulates the right of indigenous peoples to establish and control their educational systems and institutions providing education in their own languages. Article 20 confirms that indigenous peoples have the right to maintain and develop their political, economic and social systems or institutions.

17. Importantly, article 26 confirms that indigenous peoples have the right to the lands, territories and resources which they have traditionally owned, occupied or otherwise used or acquired and, furthermore, that they have the right to own, use, develop and control the lands, territories and resources that they possess by reason of traditional ownership or other traditional occupation or use, as well as those which they have otherwise acquired.

18. Article 4, driven by article 3 and with the additional contextual support of articles 11, 12, 14, 20 and 26, provides clear grounds for decolonization. The Special Committee could examine potential exercises of engagement with indigenous peoples to realize the rights enshrined in those articles on a case-by-case basis or entertain a conference or series of seminars in the Pacific region.

IV. Brief snapshot of the Pacific

19. The Pacific is a varied and rich area.[3] When most States adopted the United Nations Declaration on the Rights of Indigenous Peoples in 2007, Australia and New Zealand were two of the four dissenting States. Among the 11 overall

[3] In the present report, the term "Pacific" should be understood to include the 16 States members of the Pacific Islands Forum (Australia, Cook Islands, Fiji, Kiribati, Marshall Islands, Micronesia (Federated States of), Nauru, New Zealand (including Tokelau), Niue, Palau, Papua New Guinea, Samoa, Solomon Islands, Tonga, Tuvalu, Vanuatu), the three French territories (French Polynesia, New Caledonia, Wallis and Futuna) the United States territories (American Samoa, Guam, Northern Mariana Islands), Timor-Leste and the Province of West Papua, Indonesia.

abstentions was a Pacific nation, Samoa. Those positions have now changed and Australia, New Zealand and Samoa have all declared their support for the Declaration. Among the 34 non-voting States were 10 Pacific nations: Fiji, Kiribati, Marshall Islands, Nauru, Palau, Papua New Guinea, Solomon Islands, Tonga, Tuvalu and Vanuatu. Owing to the pervasive and widespread occurrence of colonization experienced throughout the Pacific, this relatively high rate of non-adoption of the Declaration is arguably reflective of the prevalent colonialist position. The Pacific nations continue to remain beholden to regional Powers through aid and therefore continue the colonialist perspective by proxy.

20. During the 1800s, most Pacific island nations were subjected to a range of European commercial, religious and other interests. European States jostled with one another and the indigenous communities for advantages from which they hoped to benefit, including the continuing exploitation of natural resources.[4] By the late 1800s, the foreign Powers had gained sovereign power over almost all the Pacific island nations, with some island nations locked into one major source of resource exploitation under colonial administration. Pacific island nations were continuously viewed through the same lens used by the drafters of the doctrine of discovery, thus justifying the subjugation of the indigenous peoples and the seizure of the islands' natural resources. Those approaches were rooted in the activities of colonizing countries, churches or corporations owing to a perspective that dehumanized the indigenous islanders. Even more alarming during that century was the competition among countries to seize Pacific island States for political, military and financial interests. That problem has lingered until the current day.

V. Colonization in the Pacific

21. After more than a century of colonial rule, the imprint left on the politics, culture and economy of the Pacific has resulted in an uneasy mix of customary and colonial systems of government and administration. The colonial systems of government, education and religion have permeated and dominated the indigenous systems, with many indigenous languages relegated to the brink of extinction.

22. In contrast to other regions, the trend of decolonization in the Pacific does not follow the precedent set by Asia, Africa and the Caribbean. Timing, size, remoteness and economic vulnerability, together with factors including the determination of some colonial Powers to remain, irrespective of the wishes of the indigenous peoples, provide a unique backdrop to the independence and decolonization of the Pacific.[5] The region offers important lessons to be learned if the aspirations of United Nations resolutions on decolonization are to be met. Many imperial Powers participated in the Pacific over the centuries, dividing the cultures of Melanesia, Micronesia and Polynesia according to aspirations of acquisition and assimilation. The Special Committee and the Permanent Forum could co-sponsor studies and expert workshops that could be useful in the Third International Decade for the Eradication of Colonialism. Such collaborative efforts could offer relevant research for those seeking solutions in the region.

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[4] Ron Crocombe, *Asia in the Pacific Islands: Replacing the West* (Suva, IPS Publications, 2007), p. 211.

[5] B. MacDonald, "Decolonization and beyond: the framework for post-colonial relationships in Oceania", *Journal of Pacific History*, vol. 21, No. 3-4 (1986), p. 115.

23. Following the conflict between imperial nations, the transfer of colonial rule in the Pacific was common. At the end of the Second World War, all the Pacific countries, with the exception of Tonga, had been colonized and annexed by colonial Powers that included Australia, France, Germany, New Zealand, Spain and the United Kingdom of Great Britain and Northern Ireland. Some Pacific countries, such as Palau, endured multiple colonizers, being ruled by Spain, Germany, Japan and, latterly, the United States of America.

24. The Netherlands retained West New Guinea; Chile held Easter Island (also known as Rapa Nui); and the United Kingdom held Pitcairn, the Gilbert and Ellice Islands, Fiji, Solomon Islands and an informal overlordship of Tonga. France claimed New Caledonia, French Polynesia and Wallis and Futuna. The United Kingdom, Australia and New Zealand jointly administered Nauru.[6] The territories of the United States included the Hawaiian islands, American Samoa and Guam. The former Japanese colonies of the Northern Mariana Islands, the Marshall Islands and the Caroline Islands were administered as the Trust Territory of the Pacific Islands. New Zealand held Western Samoa, the Cook Islands (also known as Rarotonga), Niue and Tokelau.

25. Today, foreign Powers still in possession of territory in the Pacific include France, which retains control over Wallis and Futuna, New Caledonia and French Polynesia, and the United States, which maintains control over Guam, Hawaii and American Samoa. Guam and American Samoa remain on the list of Non-Self-Governing Territories (from which Hawaii was unilaterally removed at the time of statehood in 1959). Chile maintains control over Easter Island (Rapa Nui) and New Zealand over Tokelau.

26. One reason to carry out studies into and seriously pursue the claim of decolonization is the perpetual denial of the basic human rights enshrined in the United Nations Declaration on the Rights of Indigenous Peoples. For example, articles 10 and 30 are both violated in the name of the current global security situation. Guam experiences military build-up that can destroy the cultural fabric of the indigenous Chamorro people and Hawaii has sacred sites serving as live military training facilities. Inhabitants of Easter Island (Rapa Nui) are often referred to as terrorists for peacefully demanding that their human rights be respected.

VI. Process of decolonization: case studies

27. It has been proposed that there are three models of decolonization: first, those nations that gained independence by internal pressure on their colonial Power (Marshall Islands, Nauru, Palau, Samoa and Vanuatu); second, those nations that have had independence forced upon them by the colonial Power (Fiji, Kiribati, Papua New Guinea, Solomon Islands and Tuvalu); and, third, those nations that have gained independence but retain a continuing diplomatic relationship with the colonial Power (Cook Islands (Rarotonga) and Niue).[7] Irrespective of the model, the

[6] Robert Aldrich, "The decolonization of the Pacific islands", *Itinerario*, vol. 24, No. 3-4 (November 2000), pp. 173-191.

[7] Max Quanchi, "End of an epoch: towards decolonization and independence in the Pacific", *Agora*, vol. 43, No. 4, p. 21.

end result is the realization of the right of indigenous peoples to self-determination. A seminar or study could be vital in offering valuable insight into these models.

28. In 1962, the first steps of modern decolonization in the Pacific began when New Zealand withdrew from Western Samoa. New Zealand withdrew from the Cook Islands (Rarotonga) in 1965 and Niue in 1974, with both now self-governing States in free association with New Zealand. This relationship enables them to be fully responsible for their internal affairs, while New Zealand, in consultation, retains some responsibility for external affairs and defence.

29. In 1968, Australia, New Zealand and the United Kingdom withdrew from Nauru. The growing discontent among Nauruans was fuelled by the dissatisfaction with receiving inadequate remuneration from Australia for phosphate mining.[8] Australia and the United Kingdom withdrew from Papua New Guinea in 1975. The United Kingdom withdrew from Fiji in 1970, Solomon Islands and Tuvalu in 1978, Kiribati in 1979 and Vanuatu, with France, in 1980.

30. Owing to the diversity of the Pacific region, the present study is confined to the case studies set out below, reviewing the steps taken by New Caledonia, as an example of a Non-Self-Governing Territory currently on the list for consideration by the Special Committee, in its quest for independence, in addition to the status of Hawaii, French Polynesia and West Papua.

New Caledonia

31. France today retains control of three territories in the Pacific: Wallis and Futuna, New Caledonia and French Polynesia (the site of 193 nuclear tests at Moruroa and Fangataufa between 1966 and 1996). While the 1998 Nouméa Accord in New Caledonia and the 1999 Statute of Autonomy in French Polynesia have seen a shift of powers from Paris to the Pacific, France maintains its sovereignty over the Pacific islands and has delayed a referendum on self-determination in New Caledonia.

32. New Caledonia was annexed to France in 1853 and became an overseas territory in 1956. In 1946, the United Nations placed it on the list of Non-Self-Governing Territories. According to the census carried out in 2009, the Kanaks, the indigenous people of New Caledonia, constitute 40.3 per cent of the total population. They have consistently pursued independence from French rule.

33. Two accords were signed by the Kanaks with the Government of France to attain independence. The first, the Matignon Accords, signed on 6 November 1988, achieved the support of 80 per cent of the French population and provided for a referendum on independence to be held before 1998. The second, the Nouméa Accord, was signed between the Front de Libération Nationale Kanak et Socialiste and the Government of France on 5 May 1998. It provided for a degree of autonomy for New Caledonia that would occur over a transition period of up to 20 years. Progressive changes that were expected from the agreement were in the local political control and structure, with the Kanaks granted greater participation in internal and regional affairs and France retaining sovereign rights, including control over military and foreign affairs. These arrangements are similar to those between New Zealand and Niue and the Cook Islands (Rarotonga). Intrinsic to the process is

[8] Ibid., p. 20.

an obligation on the Government of France to train and build the capacity of the Kanaks to enable a transition into government before the referendum in 2014. It was anticipated that a national committee would be established to prepare New Caledonia for a change in leadership.

34. At its sixty-seventh session, the General Assembly adopted resolution 67/130, in which it invited all the parties involved to continue promoting a framework for the peaceful progress of the Territory towards an act of self-determination in which all options were open and which would safeguard the rights of all sectors of the population, according to the letter and the spirit of the Nouméa Accord, which was based on the principle that it was for the populations of New Caledonia to choose how to control their destiny. The Assembly noted that a steering committee on the institutional future of New Caledonia had been established and mandated to prepare the basic issues to be decided by referendum, namely, the transfer of sovereign powers, access to full international status and the organization of citizenship into nationality. In that regard, it welcomed the five agreements signed in October 2011 by the French authorities and the Government of New Caledonia to organize the transfer of secondary education, with effect on 1 January 2012.

35. It recalled the relevant provisions of the Nouméa Accord aimed at taking more broadly into account the Kanak identity in the political and social organization of New Caledonia. It noted that the new anthem was used together with the French anthem and that, in 2010, the follow-up committee had recommended that the French flag and the Kanak flag should fly together in New Caledonia. It also noted the concerns expressed by a group of indigenous people in New Caledonia regarding their underrepresentation in the governmental and social structures of the Territory and by representatives of indigenous people regarding incessant migratory flows and the impact of mining on the environment.

36. The General Assembly welcomed the cooperative attitude of other States and Territories in the region towards New Caledonia, its economic and political aspirations and its increasing participation in regional and international affairs. The Assembly decided to keep under continuous review the process unfolding in New Caledonia as a result of the signing of the Nouméa Accord.

37. In 2010, the Chair of the Special Committee, Donatus St. Aimee, noted that, if small territories decided that it was in their interest to maintain a connection with their colonizer, that decision should be respected. He also noted, however, that size often did not deter smaller groups or territories from seeking independence. He said that it was not just an issue of independence, but of what kind of a relationship was wanted with the administering Power in terms of the maintenance and preservation of indigenous culture.[9]

38. For the indigenous peoples of New Caledonia, it has been a long and arduous path to self-determination. The difficulties notwithstanding, the process for the realization of the fundamental right of self-determination is firmly on track. It would be disingenuous if the Special Committee were to withhold its support. Indigenous peoples also pursued an approach of peaceful means in the face of violent reprisals to create a solution that respects the rule of law. That a peaceful approach was pursued is important to include in future reviews of decolonization in

[9] Radio New Zealand, "UN decolonisation talks to open in New Caledonia", 16 May 2010. Available from www.rnzi.com/pages/news.php?op=read&id=53568.

the Pacific, given that many Kanak forces for fundamental freedoms continued to face reprisals as a result of claims based on the doctrine of discovery. It was only when their political leaders such as Jean-Marie Tjibaou held prominent positions in the church that that position eventually changed.

French Polynesia

39. French Polynesia (also known as Te Ao Maohi) comprises five distinct island chains, the Society Islands (divided into the Windward Islands and the Leeward Islands), the Marquesas Islands, the Tuamotu Archipelago, the Austral Islands and the Gambier Islands, stretching across 1 million square miles of ocean. Most residents dwell on the Windward Islands, a chain containing the two most populated islands, Tahiti and Moorea.[10] Indigenous peoples are the majority group in French Polynesia, comprising 66 per cent of the population. Europeans (mostly French) account for 12 per cent and other ethnic groups 22 per cent.[11]

40. In 1842, France declared Tahiti and the Marquesa Islands a French protectorate. In 1880, France negotiated an agreement with the Queen's son and heir, Pomare V, to purchase the islands, transforming the protectorate into an officially recognized colony. In 1958, France reclassified the colony as an overseas territory.

41. French Polynesia maintains its own territorial Government, complete with its own president and a legislative territorial assembly with representatives from throughout the islands. As part of France, French Polynesia holds two seats in the National Assembly and sends one representative to the Senate. This gesture to the ideal of autonomy notwithstanding, the Government of France, represented by a high commissioner in Tahiti, continues to retain responsibility over issues such as law enforcement, property and civic rights.[10] In a recent election, the pro-independence progressive coalition led by Oscar Temaru, Union pour la démocratie, formed a Government with a one-seat majority in the 57-seat parliament, defeating the conservative party, Tahoera'a Huiraatira, led by Gaston Flosse. That victory strengthened the position for independence.

42. In 1946, French Polynesia was removed by the Government of France from the list of Non-Self-Governing Territories. The Union pour la démocratie is now taking steps for reinstatement on the list to be considered by the Special Committee. This move enjoys strong support from the Pacific Conference of Churches, the Women's International League for Peace and Freedom, the Non-Aligned Movement, the Melanesian Spearhead Group and the World Council of Churches.

43. In seeking the right to self-determination and independence, the Union pour la démocratie requires the General Assembly to support reinstatement on the list of Non-Self-Governing Territories. There are compelling grounds for such reinstatement: French Polynesia had satisfied the criteria established in Assembly resolution 1541 (XV); it had initially featured on the list; and there is support in the United Nations Declaration on the Rights of Indigenous Peoples, including in article 3, on the right to self-determination. The Asia-Pacific Forum, organized in Tahiti on 5 and 6 July 2012 by the territorial Government and the Club de Madrid, suggested that there was a

[10] Casey Recupero, "Tentative steps in Tahiti", *Cultural Survival Quarterly*, vol. 24, No. 1 (2000). Available from www.culturalsurvival.org/ourpublications/csq/article/tentative-steps-tahiti.

[11] Makiko Kuwahara, *Tattoo: An Anthropology* (Oxford, Berg, 2005), p. 29.

need for more research into and future efforts for decolonization in Tahiti and the region.

Hawaii

44. The colonization of Hawaii is colourful and chequered, encompassing British, Euro-American and Asian immigration, the overthrow of the Hawaiian monarchy and admission to the United States as a Non-Self-Governing Territory and subsequently as a state. This chequered path notwithstanding, the quest for Hawaiian independence continues today through various groups. Whatever the nature of the group advocating independence, the focus is the same: self-governance and self-determination as an independent nation or through a relationship similar to tribal sovereignty in the United States. In recognition of the close economic ties with the United States, there is also agreement that an incremental approach be adopted.

45. Hawaii, like French Polynesia, originally featured on the list of Non-Self-Governing Territories until it was unilaterally removed at the time of statehood in 1959. It is acknowledged that, in 1993, the then President, William J. Clinton, apologized on behalf of the United States for the Government's role in the overthrow of the Hawaiian monarchy. It is suggested that this apology should provide a fertile platform on which to re-engage dialogue between the Hawaiian independence movements and the Government, focusing on commonalities such as self-governance and self-determination. Given that these terms can be manifested in various vehicles, the key is to begin open and meaningful dialogue. Hawaii offers lessons for the United Nations with regard to its responsibility towards indigenous peoples. The Organization's own standards were not met when changing the status and condition of the Hawaiian people. Questions arising in relation to moral and legal obligations could be valuable in the Third International Decade for the Eradication of Colonialism.

West Papua

46. The indigenous peoples of West Papua are struggling to acquire their right to self-determination and independence. The urgent need to tackle their issue is heightened by reports of violence, as noted in the report of the Working Group on the Universal Periodic Review in July 2012 (A/HRC/21/7).

47. According to Akihisa Matsuno, a professor at the Osaka School of International Public Policy who specializes in Indonesia, what is happening in West Papua amounts to genocide, both physical and cultural. He said that, at the very least, it was a crime against humanity in terms of a systematic annihilation of the civilian population that was intentional, widespread and ongoing.[12]

48. These current injustices provide additional reasons to support claims of independence, claims that have their roots in historical wrongs. The first colonization was in 1828, when the Netherlands took control of the area. In 1944, it was agreed that the West New Guinea Administration (Netherlands New Guinea) would be placed on the list of Non-Self-Governing Territories.

[12] Marni Cordell, "Does West Papua have a publicity problem?", 3 March 2011. Available from http://newmatilda.com/2011/03/0 3/does-west-papua-have-publicity-problem.

49. In January 1961, elections were held. Nevertheless, the Agreement between the Republic of Indonesia and the Kingdom of the Netherlands concerning West New Guinea (West Irian) was signed in August 1962, providing for the trade of West New Guinea to Indonesia. It delayed the application to the Special Committee by seven years.

50. There are clear grounds for the General Assembly to support reinstatement on the list of Non-Self-Governing Territories. First, West Papua had satisfied the criteria set down in resolution 1541 (XV). Second, it had featured initially on the list. Third, the right of self-determination is articulated in article 3 of the United Nations Declaration on the Rights of Indigenous Peoples.

51. In view of the human rights violations, urgency is recommended. The significance of severe human rights violations such as death and perpetual discrimination requires action. The indigenous peoples of West Papua cannot even raise their flag or meet in large assemblies without reprisals that violate many human rights enshrined in the Declaration. The Declaration may offer a path towards reconciliation in many of the examples reviewed herein.

VII. Conclusions and recommendations

52. It is undisputed that colonization has been detrimental to Pacific island nations, that indigenous peoples have a right to self-determination and that decolonization of the Pacific is problematic. The Third International Decade for the Eradication of Colonialism notwithstanding, there remain Pacific islands seeking independence from their colonizers.

53. New Caledonia, French Polynesia, Hawaii and West Papua are all seeking the right to self-determination. All have encountered a problematic process and many are experiencing unacceptable human rights violations that are further exacerbating this process. These problems notwithstanding, there is a process to seek decolonization through the Special Committee. In view of the important process with which the Committee is tasked, it is recommended that adequate funding continue.

54. In view of the problems faced, it is further suggested that a relevant United Nations agency should consider convening an expert group meeting on the decolonization of the Pacific to work in conjunction with the Special Committee to assess applications for independence.